

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

THIS DOCUMENT RELATES TO:  
  
ALL ACTIONS

CASE MANAGEMENT ORDER

Clerk: Martha Parker Brown  
Reporter: Lee-Anne Shortridge

Plaintiffs' Attorneys: Joseph Saveri, Kelly Dermody, Brendan  
Glackin, James Dallal

Defendants' Attorneys: Bob Van Nest and Tina Sessions for  
Google, Inc.; Gregory Stone for Intel Corp.; David  
Kiernan and Lin Kahn for Adobe Systems, Inc.;  
George Riley and Michael Tubach for Apple, Inc.;  
David Kiernan for Intuit, Inc.; Chinue Richardson and  
Emily Henn for Pixar and Lucasfilm Ltd.

A case management conference was held on December 18, 2013. A further case management conference is set for February 19, 2014, at 2 p.m.

The parties shall file a joint revised notice by December 23, 2013, at noon. The parties in their filing shall propose a new deadline for the mailing of the notice.

For the reasons stated on the record, the Court ruled that no opt-out form needs to be mailed with the notice.

For the reasons stated on the record, the Court ordered that Dr. Lewin respond in writing to Plaintiffs' deposition questions regarding whether he had an equity interest in his consulting firm and whether his compensation is based in any way on income his consulting firm receives from the matters he works on by no later than December 30, 2013.

The Court set the following briefing deadlines for any motion to stay:

MOTION: 7 days after the Ninth Circuit's order on the Rule 23(f) petition

OPPOSITION: 7 days after the Motion is filed

REPLY: 4 days after the Opposition is filed

HEARING: February 19, 2014, at 2 p.m.

The Motion and the Opposition shall be no longer than 10 pages. The Reply shall be no longer than 5 pages.<sup>1</sup>

The case schedule remains as set in this Court's October 21, 2013, Case Management Order:

EXPERT DISCOVERY CUTOFF: December 23, 2013

DISPOSITIVE MOTIONS and *DAUBERT* MOTIONS shall be filed no later than January 9, 2014. The parties' oppositions are due February 6, 2014. The parties' replies are due February 27, 2014. The hearings on the parties' dispositive motions and *Daubert* motions shall be set for March 20, 2014, at 1:30 p.m., and March 27, 2014, at 1:30 p.m. By March 6, 2014, the parties shall file a joint statement regarding the distribution of summary judgment and *Daubert* motions for the March 20 and March 27 hearing dates.

PRETRIAL CONFERENCE DATE is May 8, 2014, at 1:30 p.m. By April 7, 2014, the parties shall exchange their witness and exhibit lists. By April 10, 2014, the parties shall file their respective Motions *in Limine*. By April 17, 2014, the parties shall file their respective oppositions to the Motions *in Limine*. By April 24, 2014, the parties shall file their respective replies to the Motions *in Limine*.

JURY TRIAL DATE is May 27, 2014, at 9:00 a.m. The trial length is estimated to be 17 days.

The page limits remain as set in this Court's October 21, 2013, Case Management Order:

- DISPOSITIVE MOTIONS

- Defendants shall file a joint motion for summary judgment addressing common issues not to exceed a total of 15 pages. Plaintiffs shall file an opposition to the joint motion not to exceed a total of 15 pages. Defendants shall file a joint reply not to exceed a total of 10 pages.
- Defendants shall file a motion for summary judgment addressing issues specific to individual Defendants not to exceed a total of 36 pages (9 pages per Defendant). Plaintiffs shall file an opposition not to exceed a total of 36 pages. Defendants shall file a reply not to exceed a total of 25 pages.
- Thus, Defendants have a total of 51 pages for their motions for summary judgment and a total of 35 pages for their replies. Defendants may allocate these pages to common issues and individual issues as they see fit as long as they comply with these overall limits.
- Plaintiffs shall file one joint motion for summary judgment not to exceed 14 pages. Defendants shall file one joint opposition not to exceed 14 pages. Plaintiffs shall file one reply not to exceed 10 pages.

- *DAUBERT* MOTIONS

- The parties' *Daubert* motions shall be limited to a total of 25 pages per side, with oppositions not to exceed a total of 25 pages per side, and replies not to exceed a total of 15 pages per side.

- MOTIONS *IN LIMINE*

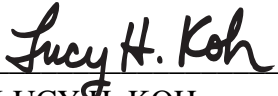
- Defendants combined shall file motions *in limine* not to exceed a total of 40 pages. Plaintiffs shall file oppositions not to exceed a total of 40 pages. Defendants combined shall file replies not to exceed a total of 30 pages.

<sup>1</sup> The Court did not set these page limits at the Case Management Conference.

- 1           ○ Plaintiffs shall file motions *in limine* not to exceed a total of 25 pages. Defendants  
2           combined shall file oppositions not to exceed a total of 25 pages. Plaintiffs shall replies  
3           not to exceed a total of 15 pages.

4           **IT IS SO ORDERED.**

5           Dated: December 18, 2013

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8           LUCY H. KOH  
9           United States District Judge